

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD E. CLARK, JR.,	:	CIVIL ACTION NO. 1:20-CV-1402
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SGT. SCHWARTZ, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 13th day of January, 2021, upon consideration of the report (Doc. 11) of Magistrate Judge Schwab, issued following screening review of the *pro se* complaint (Doc. 1) of plaintiff Donald E. Clark, Jr., pursuant to 28 U.S.C. § 1915(e)(2), wherein Judge Schwab opines that Clark’s complaint fails to state a claim upon which relief may be granted because it is barred by *res judicata*, (see Doc. 11 at 7-10), and recommends that leave to amend be denied as futile, (see id. at 10), and it appearing that there are no objections to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and,

following an independent review of the record, the court agreeing fully with Judge Schwab's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Schwab's report (Doc. 11) is ADOPTED.
2. Clark's complaint (Doc. 1) is DISMISSED without leave to amend.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania